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10 **SECOND IMAGE, INC.**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **SECOND IMAGE, INC.**, a California
14 corporation,

15 Plaintiff,

16 vs.

17 **RON SIN PHOTOCOPY, Inc.**, a California
18 Corporation; **CHRISTINA SANCHEZ**, an
19 individual; and **DOES 1-10**,

20 Defendants.

Case No. C-075242 PJH

**DECLARATION OF NORMAN
FOGWELL IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT RONSIN PHOTOCOPY,
INC.'S MOTION TO DISMISS**

Date: December 19, 2007
Time: 9:00 a.m.
Dept.: 3

The Honorable Phyllis J. Hamilton

21 I, Norman Fogwell, declare as follows:

22 1. I provide this Declaration in support of Plaintiff's Opposition to Defendant
23 Ronsin Photocopy, Inc.'s Motion to Dismiss. Except as otherwise stated, I have personal
24 knowledge of the matters contained herein.

25 2. I am the President of Second Image, Inc. ("Second Image"), the Plaintiff in
26 this Action. Second Image is a comprehensive provider of litigation support services.

27 3. Kaiser Permanente ("Kaiser") is Second Image's client. On or about May
28

1 31, 2007, Second Image received a phone call from Kaiser's outside counsel located in
2 Northern California, informing Second Image about a potential breach of Second Image's
3 website.

4 4. Shortly thereafter, I spoke with Mary Parks, senior legal counsel for Kaiser,
5 located in Oakland, California. During our telephone call, Ms. Parks stated that a "Tom"
6 from Ronsin Photocopy, Inc. ("Ronsin") had contacted Kaiser to warn them that Second
7 Image's website was not secure. I learned from Kaiser that "Tom" had given them
8 instructions on how to duplicate the results so that Kaiser could breach Second Image's
9 website if it wanted to do so. Ms. Parks informed me that, as a result of Tom's phone
10 call, Kaiser had become concerned that its records, specifically those related to a
11 pending class action suit on which Plaintiff was working in the Northern District, had been
12 breached. Kaiser accordingly wanted its records removed from online access
13 immediately. Since several attorneys representing Kaiser were using Second Image's
14 website to review records, Kaiser's request caused an immediate disruption in their
15 workflow.

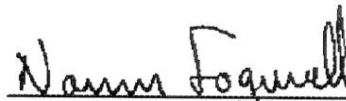
16 5. As a result of my phone call with Ms. Parks, Second Image audited its
17 database and discovered that its security had been breached. The breach was solely
18 associated with the login account of Defendant Christina Sanchez. Second Image
19 promptly notified Kaiser that some of its records were involved in the breach. Kaiser
20 stated its frustration and concern that a third-party had accessed confidential patient
21 medical records.

22 6. Kaiser is one of Second Image's largest clients. Ronsin is a competitor of
23 Second Image. At or around the timeframe of Ronsin's "presentation" and telephone call
24 to Kaiser, Second Image was engaged in photocopying records and images in, upon
25 information and belief, a multi-million dollar class-action lawsuit for Kaiser. At least the
26 following 19 employees and/or field representatives of Second Image were working in
27 Northern California for this project: Ed Adams, Chuck Bell, Ireen Bell, Scott Benoit,

1 David Dinh, Raymond Dinh, Ralph Downs, Steve Jenson, Marlo Miller, Teresa Miller,
2 Edward Najarro, Paul Ricardo, Alex Ramirez, Paul Richter, Dominic Sprattlin, James
3 Stennet, Young Tran, Gene Wall, and Maitia Xiong.

4 7. Upon information and belief, law enforcement is actively investigating the
5 breach into Second Image's system.

6 I declare under penalty of perjury in accordance with the laws of the United states
7 of America that the foregoing is true and correct and that this Declaration was executed
8 on November 28 th in San Dimas California.

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12 Norman Fogwell
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